

**Public Hearing
to be held at
City of Penticton Council Chambers
171 Main Street, Penticton, B.C.**

**Tuesday, September 18, 2018
at 6:00 p.m.**

- | | | |
|-------|--|------|
| 1. | Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2018-64” | 1-25 |
| CO | <p>Reads Opening Statement and Introduction of Bylaws</p> <p>“Zoning Amendment Bylaw No. 2018-64 (337 Hastings Avenue)</p> <p>Purpose: To amend Zoning Bylaw No. 2017-08 as follows:</p> <p style="padding-left: 40px;">Rezone that part of Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, located at 337 Hastings Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).</p> <p style="padding-left: 40px;">Rezone that part of Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, located at 337 Hastings Avenue from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) and by adding the following site specific provisions to section 10.8.4: .3 “In the case of Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 932, located at 337 Hastings Avenue, the following regulations shall apply:</p> <ul style="list-style-type: none"> • Minimum lot width of 14.6m; • Maximum Density, Floor Area Ratio (FAR) of 0.90; • Maximum Lot Coverage of 48%; • Maximum Building Height of 7.0m; • Minimum Interior Side Yard of 1.6m; and • Waive the requirement for one (1) visitor parking space. <p style="padding-left: 40px;">The applicant is intending to subdivide the property into two parcels and construct a fourplex on one lot and a front-to-back duplex on the other lot.</p> <p>Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, September 7, 2018 and Wednesday, September 12, 2018 (pursuant to the <i>Local Government Act</i>).</p> | |
| CO | No Correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, September 12, 2018) | |
| Mayor | Requests the Director of Development Services describe the proposed bylaw | |

- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2018-64” is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2018-65” 26-45

CO Reads Opening Statement and Introduction of Bylaws

“Zoning Amendment Bylaw No. 2018-65” (290 Bassett Street)

Purpose: To amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 9, Block 125 District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1175, Except Plan B4668, located at 290 Bassett Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct a 5-unit townhouse development.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, September 7, 2018 and Wednesday, September 12, 2018 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, September 12, 2018)

Mayor Requests the Director of Development Services describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2018-65” is terminated and no new information can be received on this matter.

- 1 -

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, September 4, 2018
at 1:00 p.m.

Resolutions

- 14.2 Zoning Amendment Bylaw No. 2018-64
Development Variance Permit PL2018-8313
Re: 337 Hastings Avenue

402/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-64", a bylaw to rezone Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, located at 337 Hastings Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) and allow a site specific provision inserted as Section 10.8.4.3 as follows: "In the case of Lot 24 Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 932, located at 337 Hastings Avenue, the following regulations shall apply:

- Minimum lot width of 14.6m;
- Maximum Density, Floor Area Ratio (FAR) of 0.90;
- Maximum Lot Coverage of 48%;
- Maximum Building Height of 7.0m;
- Minimum Interior Side Yard of 1.6m; and
- Waive the requirement for one (1) visitor parking space

be given first reading and be forwarded to the September 18, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-64", the following conditions be completed:

- Registration of a 3.0 m wide lane dedication from 337 Hastings Avenue and 340 Douglas Street,
- Registration of an easement to allow for the safe turning of vehicles at the west end of the lane.

AND THAT delegations and submissions for "Development Variance Permit PL2018-8313" for Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, located at 337 Hastings Avenue, a permit to allow vehicle access to be from both the lane and the street (Hastings Avenue), be heard at the September 18, 2018 Public Hearing; AND THAT Council consider "DVP PL2018-8313" following the adoption of "Zoning Amendment Bylaw No. 2018-64".

THAT Council, in accordance with Section 507 of the *Local Government Act*, require the following excess and extended services:

- Full construction of the lane along the rear of 337 Hastings and 319 Hastings Avenue tying the works into the existing lane;
- Full construction of curb and sidewalk along the front of 337 Hastings Avenue and 319 Hastings Avenue, and tying the works into the existing sidewalk located in front of 305 Hastings Avenue.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: September 4, 2018 **File No:** PRJ2018-165
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 337 Hastings Avenue
Subject: **Zoning Amendment Bylaw No. 2018-64 and
Development Variance Permit PL2018-8313**

Staff Recommendation

Zoning Amendment Bylaw

THAT "Zoning Amendment Bylaw No. 2018-64", a bylaw to rezone Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, located at 337 Hastings Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) and allow a site specific provision inserted as Section 10.8.4.3 as follows: "In the case of Lot 24 Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 932, located at 337 Hastings Avenue, the following regulations shall apply:

- Minimum lot width of 14.6m;
- Maximum Density, Floor Area Ratio (FAR) of 0.90;
- Maximum Lot Coverage of 48%;
- Maximum Building Height of 7.0m;
- Minimum Interior Side Yard of 1.6m; and
- Waive the requirement for one (1) visitor parking space

be given first reading and be forwarded to the September 18, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-64", the following conditions be completed:

- Registration of a 3.0 m wide lane dedication from 337 Hastings Avenue and 340 Douglas Street,
- Registration of an easement to allow for the safe turning of vehicles at the west end of the lane.

Development Variance Permit

AND THAT delegations and submissions for "Development Variance Permit PL2018-8313" for Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, located at 337 Hastings Avenue, a permit to allow vehicle access to be from both the lane and the street (Hastings Avenue), be heard at the September 18, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8313" following the adoption of "Zoning Amendment Bylaw No. 2018-64".

Excess and Extended Service

THAT Council, in accordance with Section 507 of the *Local Government Act*, require the following excess and extended services

- Full construction of the lane along the rear of 337 Hastings and 319 Hastings Avenue tying the works into the existing lane
- Full construction of curb and sidewalk along the front of 337 Hastings Avenue and 319 Hastings Avenue, and tying the works into the existing sidewalk located in front of 305 Hastings Avenue.

Strategic Objective

The subject application demonstrates that it is aligned with the Council Priorities of Community Building and Economic Vitality. The application represents smart growth by increasing density in areas where existing services are in place, and in areas close to transit, commercial and employment centers.

Background

The applicant is requesting to rezone 337 Hastings Avenue from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) and RD2 (Duplex Housing: Lane). This rezoning will facilitate the subdivision of the property into two parcels, which will allow the construction of a fourplex and a front-to-back duplex (Figure 1 – Proposed Subdivision). The applicant has also requested a variance to the RD2 zone to allow vehicle access from both the lane and the street.

The subject property (Attachment 'A') is currently zoned R2 (Small Lot Residential) and is designated for medium density residential by the City's Official Community Plan (OCP). In 2008, the previously existing single family home was demolished and the site has been vacant since. The surrounding neighbourhood is starting to experience redevelopment, and is transitioning from being a low density neighbourhood, to densifying and allowing medium density developments, as guided by the City's OCP Future Land Use.

The Official Community Plan designates 337 Hastings Avenue as MR (Medium Density Residential), which supports transitioning to an increased density. This property is within close proximity to the KVR trail, Okanagan College, and Penticton Plaza. The Zoning Map of the neighbourhood (Attachment 'B') indicates that there is a mix of zones within the neighbourhood including R2 (Small Lot Residential), RM2 (Low Density Multiple Housing), and RD2 (Duplex Housing: Lane). As indicated in the Future Land Use Map (Attachment 'C'), much of this neighbourhood is identified for medium density development. In 2008, a four-plex was built on the corner of Hastings Avenue and Argyle Street.



Figure 1 - Proposed Subdivision

Proposal

The applicant is proposing to construct a fourplex and a front-to-back duplex at 337 Hastings Ave. To facilitate this development, the applicant is requesting to rezone the property from R2 (Small Lot Residential) to:

- RM2 (Low Density Multiple Housing) with a site specific text amendment to allow for:
 - Minimum lot width of 14.6m;
 - Floor Area Ratio (FAR) of 0.90;
 - Maximum Lot Coverage of 48%;
 - Maximum Building Height of 7.0m;
 - Minimum Interior Side Yard of 1.6m; and
 - Waive the requirement for one (1) visitor parking space, and
- RD2 (Duplex Housing: Lane).

The intent of the applicant is to subdivide the property into two parcels, and construct a fourplex and a front-to-back duplex.

The applicant is also requesting a variance to the proposed RD2 (Duplex Housing: Lane) parcel, to allow for vehicle access to be from both the lane and the street (Hastings Avenue).

The applicant is required to attain a Development Permit for the form and character of the building, as the properties are located within the CPR Heritage Multiple Family Development Permit Area. This will be issued by staff at a later date.

Technical Review

This application was reviewed by the City's Technical Planning Committee. No significant issues arose in the process. Typical frontage upgrades and servicing requirements have been identified for the Building Permit stage of the project, if rezoning and variance permit applications are supported by Council. The applicant will be required to upgrade and extend the lane behind the development, which will be completed through an excess service resolution. Extension of curb and sidewalk will also require an excess service resolution to tie into the existing sidewalk at the corner development of Hastings Avenue and Argyle Street. The development is required to conform to the BC Building Code. These items have been communicated to the applicant.

Financial Implication

The application does not pose any significant financial implications to the City. Development costs are the responsibility of the developer. The developer will be paying for the extension of the lane behind the development which is required to provide vehicle access to the rear of the proposed developments. The developer will also be responsible for the extension of curb and sidewalk to tie into existing sidewalks.

Development Statistics

The following tables outline the proposed development statistics on the plans submitted with the rezoning application:

Fourplex – RM2 (Low Density Multiple Housing)

	Requirement RM2 Zone	Provided on Plans
Minimum Lot Width:	18 m	14.6 m
Minimum Lot Area:	540 m ²	579 m ²
Maximum Lot Coverage:	40 %	48% (text amendment)
Maximum Density:	.80 Floor Area Ratio (FAR)	0.90 Floor Area Ratio (FAR) (text amendment)
Vehicle Parking:	5 (1 per unit, plus 0.25/unit for visitor parking)	4 (text amendment)
Required Setbacks Front Yard (Hastings Ave): Side Yard (east): Side Yard (west): Rear Yard (lane):	3.0 m 3.0 m 3.0 m 6.0 m	6.0 m 1.6 m (text amendment) 2.1 m (text amendment) 7.9 m
Maximum Building Height	12 m	7.56 m
Other Information:	<ul style="list-style-type: none"> The Development Permit would be issued by Staff Items in red are included in site specific rezoning 	

Duplex – RD2 (Duplex Housing: Lane)

	Requirement RD2 Zone	Provided on Plans
Minimum Lot Width:	9.1 m	9.1 m
Minimum Lot Area:	275 m ²	362 m ²
Maximum Lot Coverage:	40 %	38%
Maximum Density:	.80 Floor Area Ratio (FAR)	0.76 Floor Area Ratio (FAR)
Vehicle Parking:	2 (1 per dwelling unit)	2
Required Setbacks Front Yard (Hastings Ave): Side Yard (east): Side Yard (west): Rear Yard (lane):	4.5 m 1.5 m 1.5 m 6.0 m	6.0 m 1.8 m 1.8 m 7.9 m
Maximum Building Height	10.5 m	7.0 m
Other Information:	<ul style="list-style-type: none"> The Development Permit will be issued by Staff Variance requested to allow parking from both the lane and the street 	

Analysis

Support Zoning Amendment Bylaw

The Official Community Plan (OCP) designation for the subject property is MR (Medium Density Residential), which supports townhouses, cluster housing, condominiums and other forms of increased density. The applicant is proposing to subdivide a large property into two parcels, which will allow for both a duplex and a fourplex to be constructed. Staff consider that the proposed zoning amendments will allow for a development that is supported through the following City Policies:

- OCP goal to facilitate the provision of a variety of housing types, tenures and densities that will continue to respond to the diverse needs, including income levels, of individuals and families in Penticton in varying stages of their life.
- OCP goal to strive to achieve a housing stock that includes high quality, luxury housing.
- OCP policy which promotes residential infill development as an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- OCP policy to encourage the development of a multi-family enclave on the former CPR railway lands on Hastings Street which is compatible with the character of the CPR station and which is designed to minimize the impact on adjacent industrial and commercial uses.
- The subject property is located along an arterial roadway and is near existing transit services. The subject property is within close proximity to the KVR trail, Okanagan College, and Penticton Plaza, which encourages more walking and active forms of transportation.

The plans submitted are conceptual in nature and an application for a development permit will be required prior to any approval for construction on the lands. The development permit drawings will have more details on the elevations, to include: building types, materials, and colours. The development permit will also require a detailed landscaping plan from the applicant, which will allow staff to review the landscaping being proposed as part of the development. The subject property is located within the CPR Heritage Multiple Family Development Permit Area, and staff will review the plans to ensure conformance with these guidelines when reviewing for Development Permit issuance.

Given the above, there is adequate policy to support the proposal to rezone from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) and RD2 (Duplex Housing: Lane), and support is recommended for First Reading of "Zoning Amendment Bylaw No. 2018-64".

Deny Zoning Amendment Bylaw

Council may consider that the proposed development is not appropriate for the subject properties. If this is the case, Council should deny First Reading of Zoning Amendment Bylaw No. 2018-64".

Support Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variance is to allow vehicle access to the RD2 (Duplex Housing: Lane) zone to be from both the lane and the street (Hastings Avenue).

Section 10.6.3.2: to allow vehicle access to be from both the lane and the street (Hastings Avenue).

- The applicant is requesting a variance to allow vehicle access to be from both the lane and the street (Hastings Avenue) on the proposed RD2 (Duplex Housing: Lane) parcel. The RD2 (Duplex Housing:

Lane) zone, is one of many residential zones in the Zoning Bylaw (No. 2017-08) that require primary vehicle access to be from the lane (provided there is a lane). There are many benefits associated with this requirement including:

- Maintaining on-street parking (allowing driveways off of a street reduces available parking spaces along the street, as it becomes full of driveways);
- Increased greenery (less driveways allows for more space for boulevard grass, trees and other greenery); and
- Overall enhanced pedestrian experience (the street becomes more comfortable and safe for pedestrians, rather than being dominated by vehicle parking and pavement).
- Although there are benefits to requiring vehicle access be only from the lane, the proposed development is minimizing the impacts to the neighbourhood by:
 - Installing new sidewalk along Hastings Avenue to tie into existing sidewalks at the corner of Hastings Avenue and Argyle Street, which will assist in increasing pedestrian safety;
 - Integrating landscaping along the front of the properties that border Hastings Avenue to increase greenery (including a variety of shrubs, grass and trees); and
 - The subject property is located near the end of Hastings Avenue. This block of Hastings Avenue is classed as a local residential street, as there is no thru-road (Attachment 'A'), which limits traffic on the street to local.

The proposed variance will allow for each unit of the duplex to have a more private entry into their home. It will also provide each unit with more private yard space.

Given the above, staff find that the proposed design successfully integrates driveways into the existing neighbourhood. Staff find the variance request reasonable and recommend that Council support the application.

Deny Development Variance Permit

Council may consider that the proposed access to the property is not appropriate at this location. If this is the case, Council should refer the permit back to staff to work with the developer as directed by Council.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-64" and deny support for DVP PL2018-8313.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-64", but deny support for DVP PL2018-8313.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-64", and give support for DVP PL2018-8313 with conditions that Council feels are appropriate.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map of Subject Property
Attachment C:	Official Community Plan Map of Subject Property
Attachment D:	Images of Subject Property
Attachment E:	Letter of Intent
Attachment F:	Conceptual Site Plan
Attachment G:	Conceptual Elevations
Attachment H:	Draft Development Variance Permit (DVP)

Attachment I: Zoning Amendment Bylaw No. 2018-64

Respectfully submitted

Nicole Capewell
Planner 1

Approvals

Director Development Services <i>AA</i>	Chief Administrative Officer PW
--	---

Attachment A – Subject Property Location Map

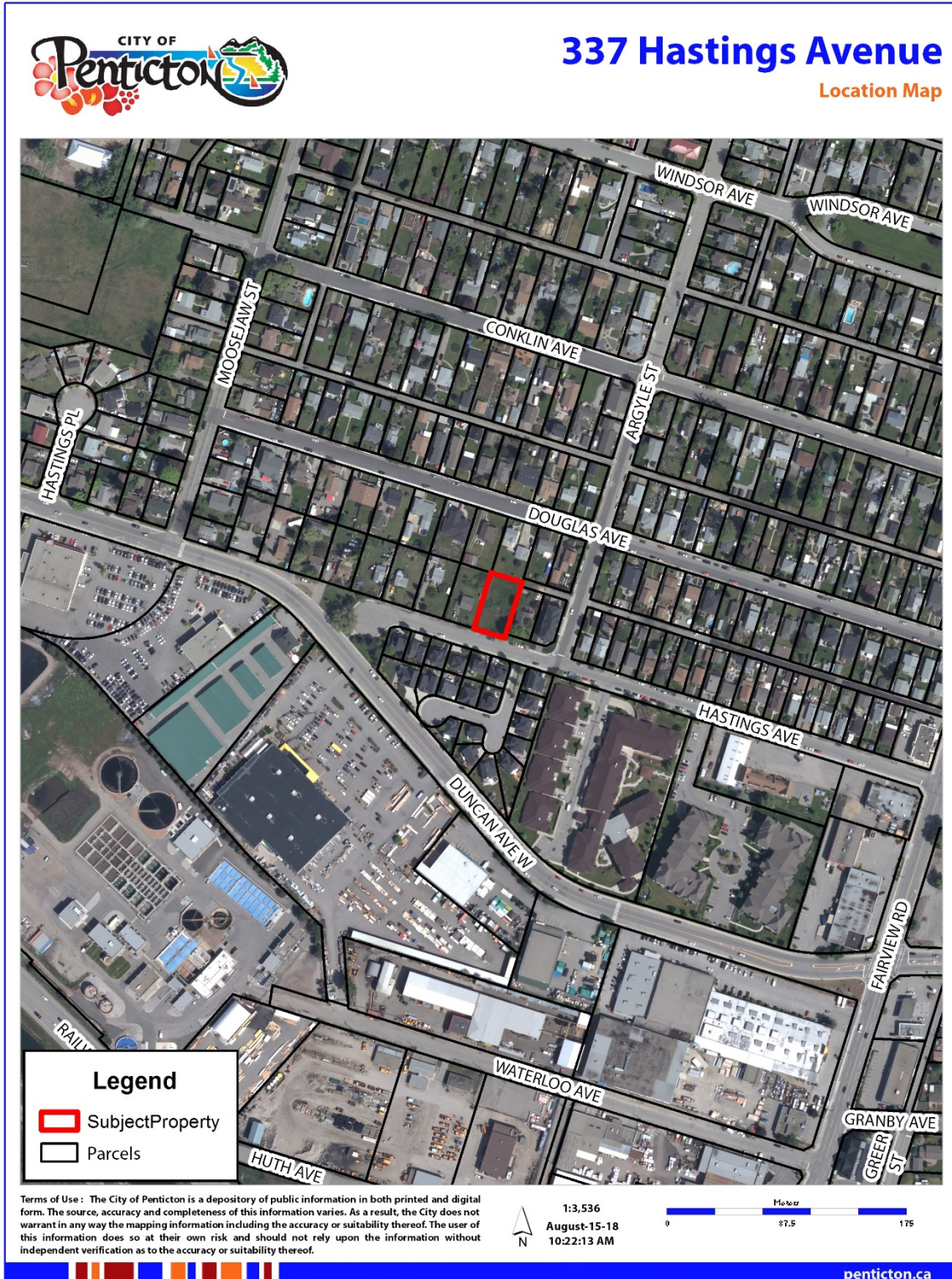


Figure 2 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

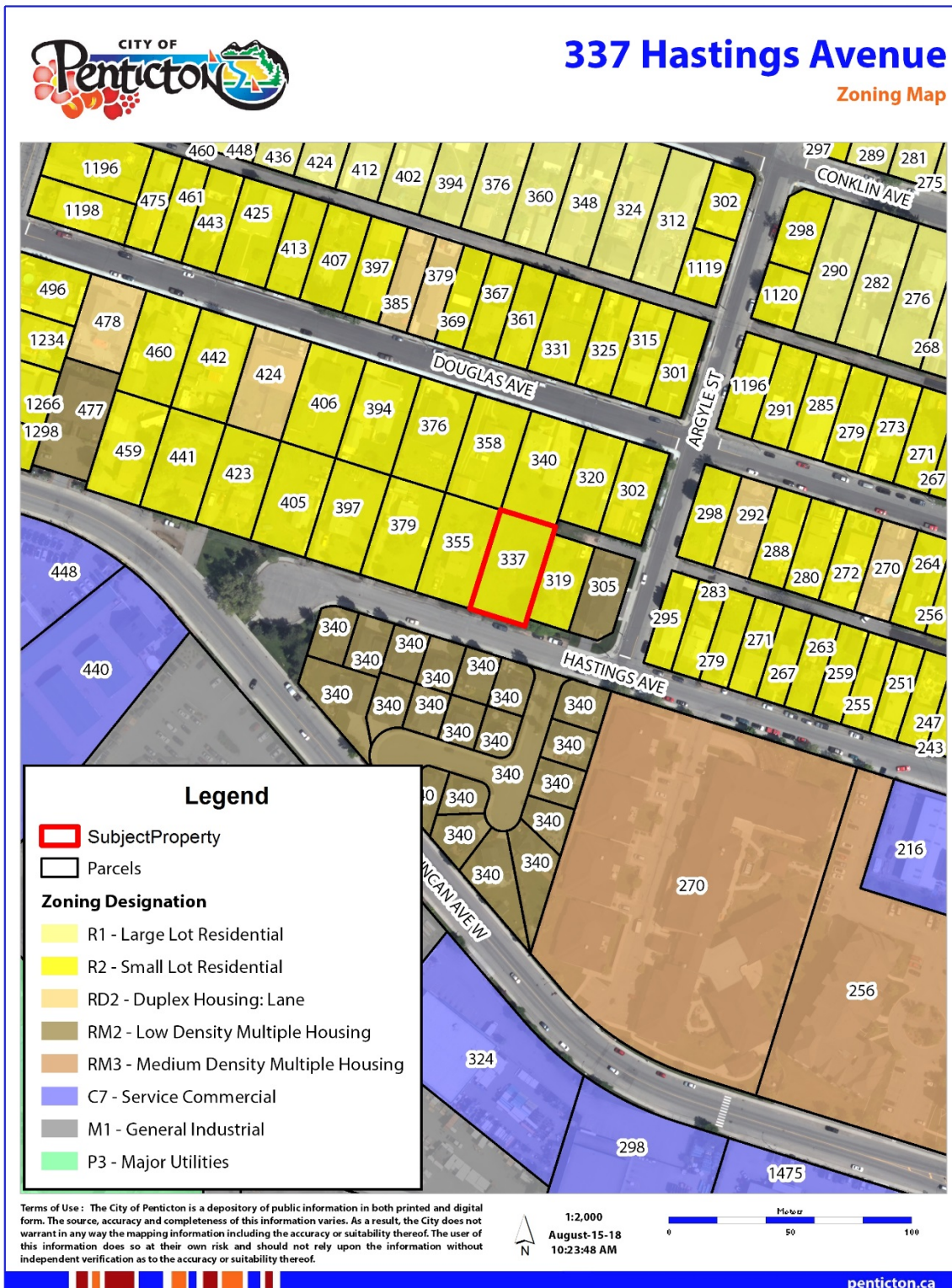


Figure 3 – Subject Property Currently Zoned R2 (Small Lot Residential)

Attachment C – Official Community Plan Map of Subject Property

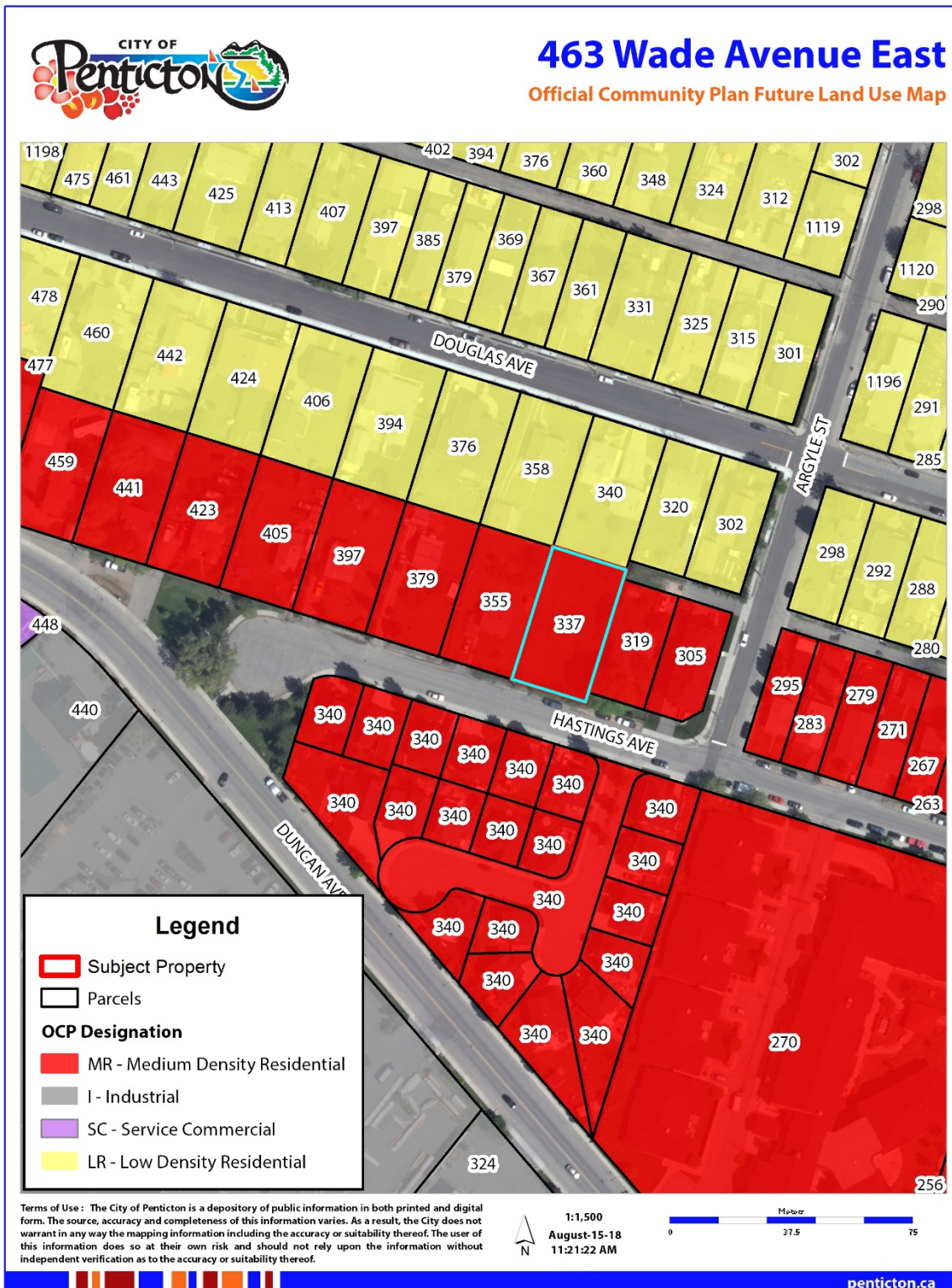


Figure 4 – Subject Property Currently Designated as MR (Medium Density Residential) within Official Community Plan

Attachment D – Images of Subject Property



Figure 5 – Looking at front of 337 Hastings Avenue (vacant lot) from Hastings Avenue



Figure 6 – Looking at rear of 337 Hastings Avenue from the lane

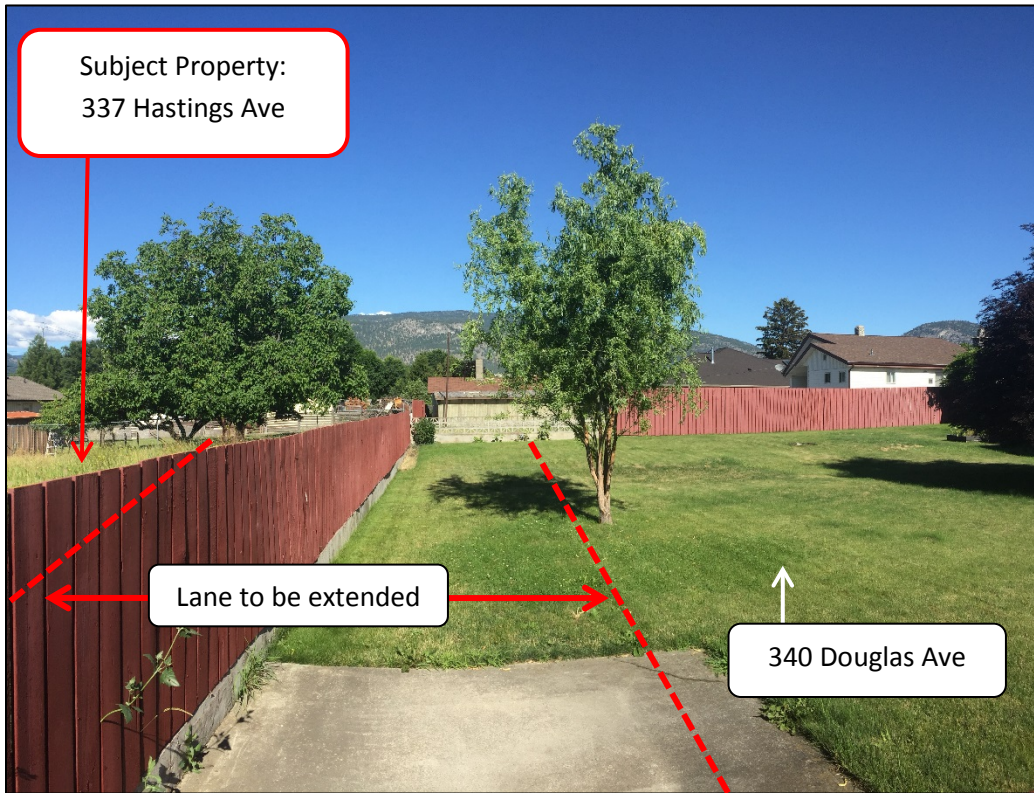


Figure 7 – Looking down the rear property line of 337 Hastings Avenue, where new lane will extend

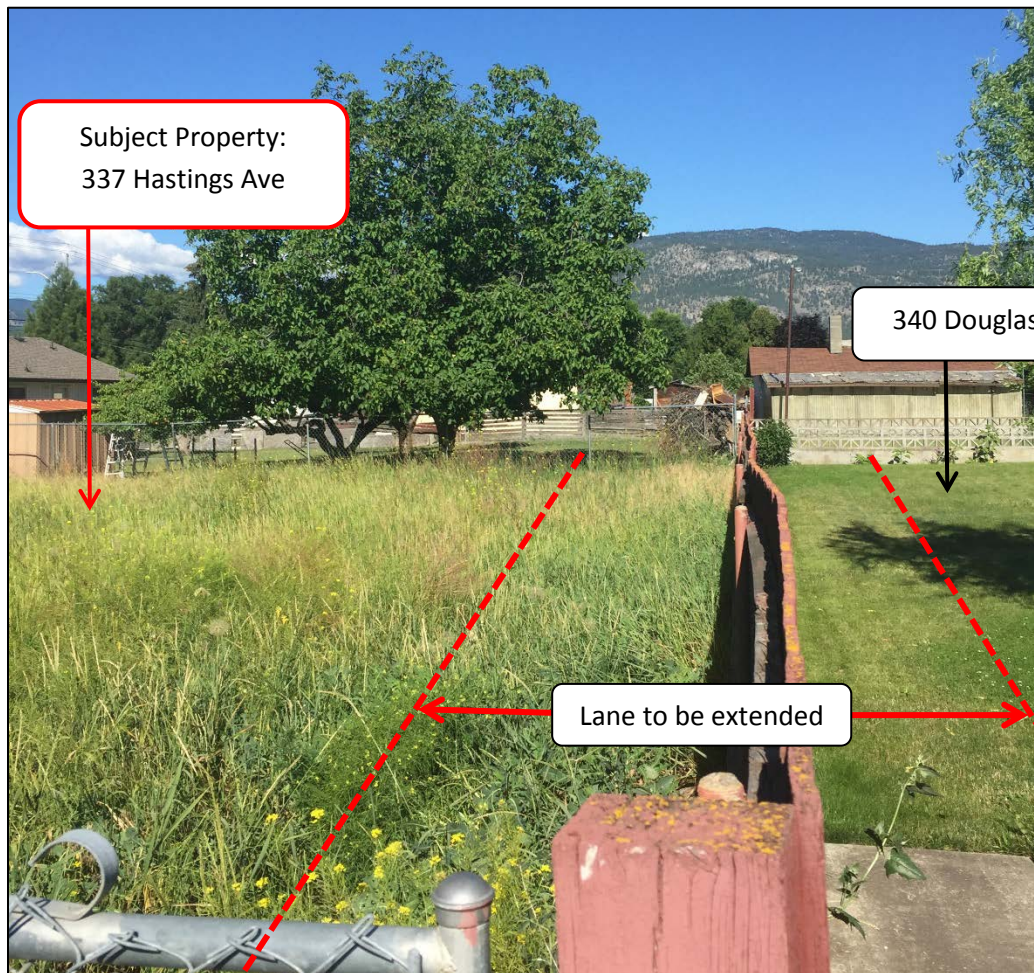


Figure 8 – Looking down the rear property line of 337 Hastings, where new lane will extend



Figure 9 – Looking down the western property line of 337 Hastings Avenue from Hastings Avenue

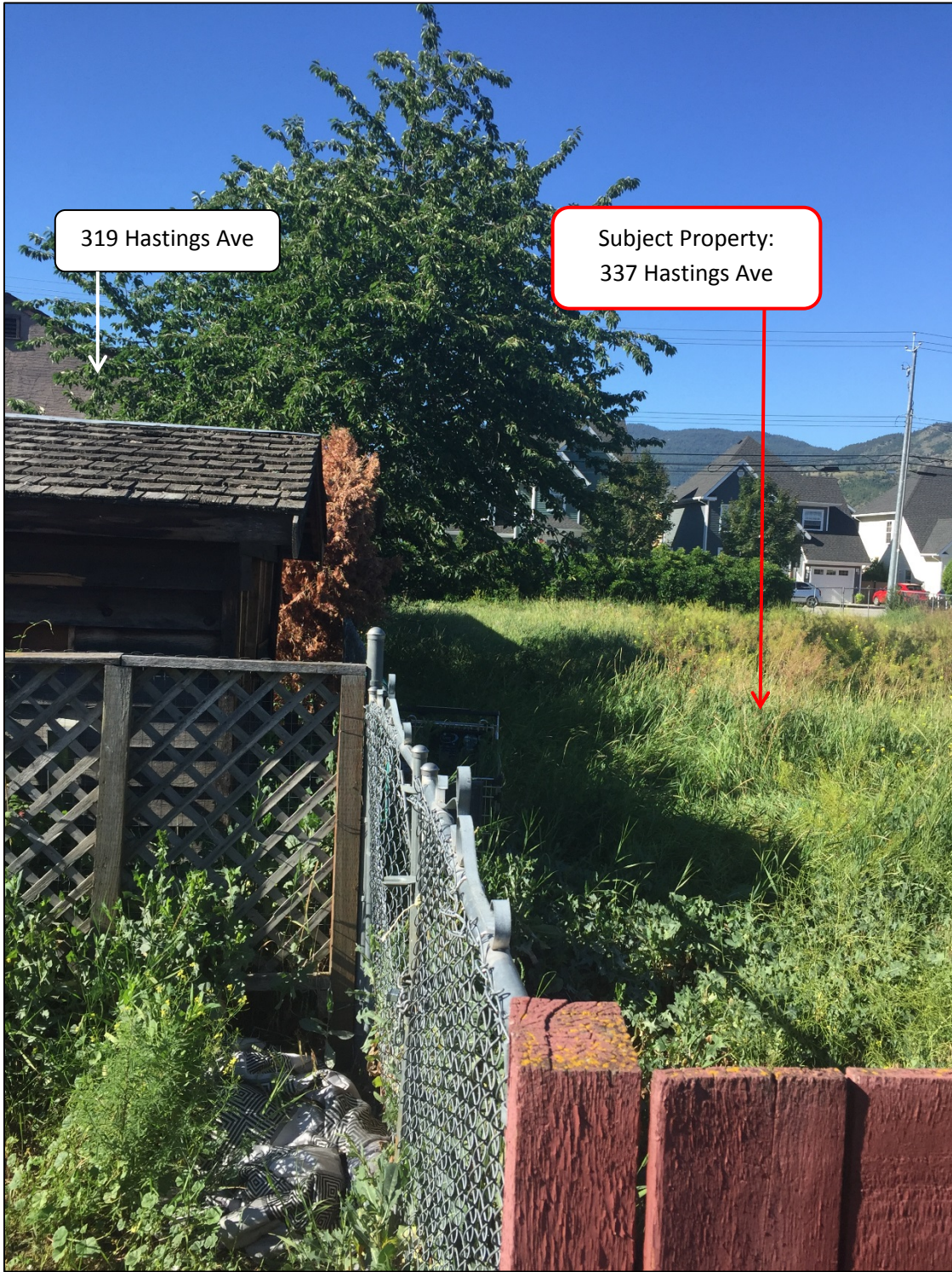


Figure 10 – Looking down eastern property line of 337 Hastings Avenue from the lane

Attachment E – Letter of Intent

337 Hastings Avenue

Development Application, Rezoning & Subdivision Application

August 22nd, 2018

Blake Laven
Planning Manager
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Blake Laven:

We are proposing to construct a duplex and fourplex at 337 Hastings Avenue. The project will require a re-zoning, subdivision of the lot, and a road dedication for a rear lane.

The goal of this project is to build an infill solution that provides more affordable housing and densification to accommodate the increase in population that is expected over the next few years. We believe this is a suitable lot for this townhome project as it is consistent with current development around the area, and the project will provide a great opportunity for young families to get in the market. Furthermore, the OCP designates this site as Medium Density Residential, which is consistent with the intent of this project.

Under the zoning bylaw, the lot is currently zoned as R2- Small Lot Residential, which we propose to subdivide into two parcels and re-zone to *RD2-Duplex Housing:Lane and RM2- Low Density Multiple Housing* with some site specific allowances, which we will get into detail below. The intent of this project is to start with a front-back duplex on Parcel A, in which we would re-zone to RD2-Duplex Housing. Following this, we will build a fourplex on Parcel B, which we would like to re-zone to RM2-Low Density Multiple Housing. For the Parcel B lot we ask for a site specific allowance to reduce the minimum lot width from 18.0m to down to 14.6m. Under RM2 maximum density is 0.80 FAR with maximum lot coverage being 40%. For this re-zoning we kindly ask for a site-specific allowance for a higher density of 0.90 FAR and 48% lot coverage. Furthermore, we request a site specific allowance to reduce the interior side yard setback requirement from 3.0m to 2.1m on the west side and 1.6m on the east. This would leave 11ft in between the buildings (duplex & fourplex) which is ample space for some landscaping and a walkway to the storage entries of the fourplex units.

We hope the planning department doesn't see these as unreasonable requests as these will help us achieve family-oriented affordable housing in the neighbourhood. If we were to make the units any smaller to fit density and setback requirements we'd have to resort to two-bedroom units, which through our experience, is not marketable towards young families. Our past two projects that have been 3-bedroom townhome units have been 1780sf and at a minimum 1526sf. Our proposed project already sits below 1500sf per unit therefore if we were to decrease floor area anymore we would have to resort to two-bedroom units which is not as desirable in today's market.

The final requests we have, for both Parcels, are to allow parking at the front yard of the units on Hastings Avenue and to waive the requirement for 1 guest parking spot. Allowing parking from the front yard would be consistent with the housing development across the street to the south of

Figure 11 – Letter of Intent (1/2)

Hastings Avenue. By having single-car driveways we still allow for parking spots out front of the project along the street.

To make this project feasible we also require a 3m road dedication at the rear of the property in order to extend the existing lane and allow parking off the lane for the north units. The lot directly behind, 340 Douglas Avenue, has also been purchased by 1167041 B.C. LTD, therefore we would also request the same road dedication there. Long-term goals would be to subdivide an RD2 lot on part of 340 Douglas Avenue while keeping the existing house as it is a very characteristic house that fits in well with the neighbourhood.

In summary, please accept the enclosed application package for the 337 Hastings Ave. We would greatly appreciate your consideration in granting the request to re-zone, site-specific allowance and lane dedication requests and subdivision application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Barnes', is positioned above the printed name.

Drew Barnes
Owner 1167041 B.C. Ltd.

Page 2

Figure 12 – Letter of Intent (2/2)

Attachment F – Conceptual Site Plan

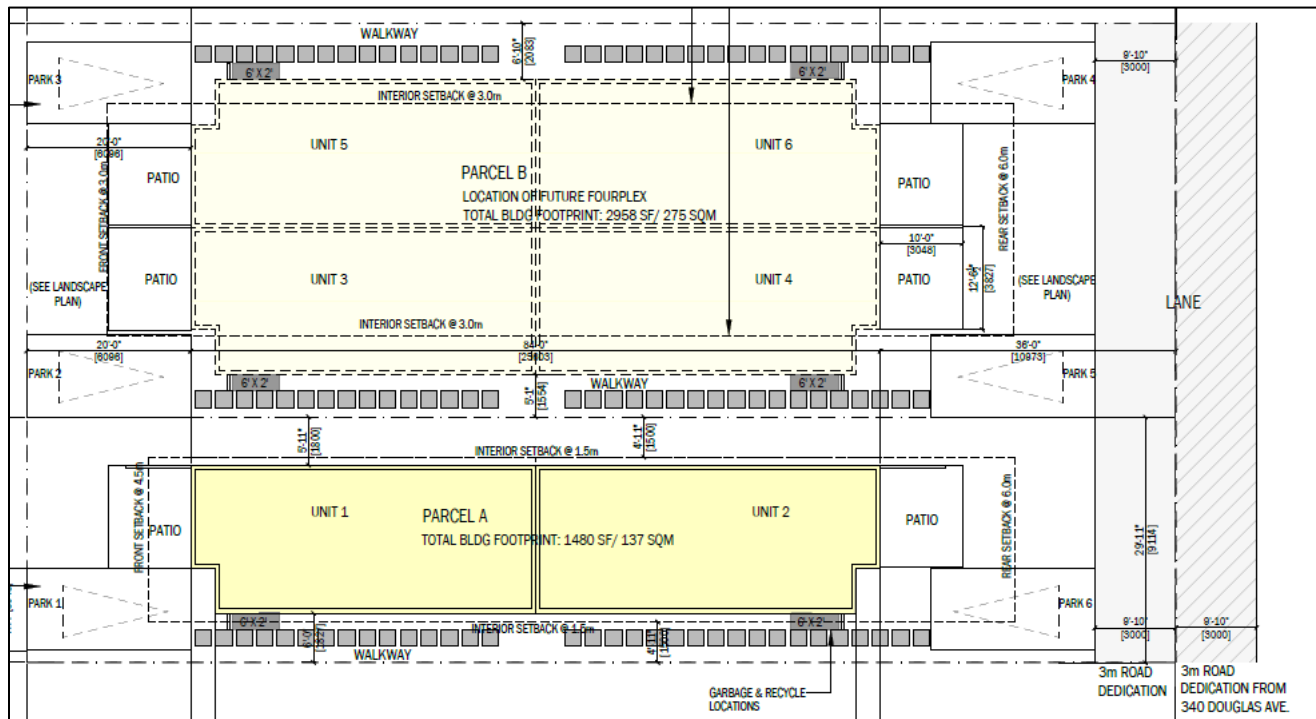


Figure 13 – Conceptual Site Plan

Attachment G – Conceptual Elevations

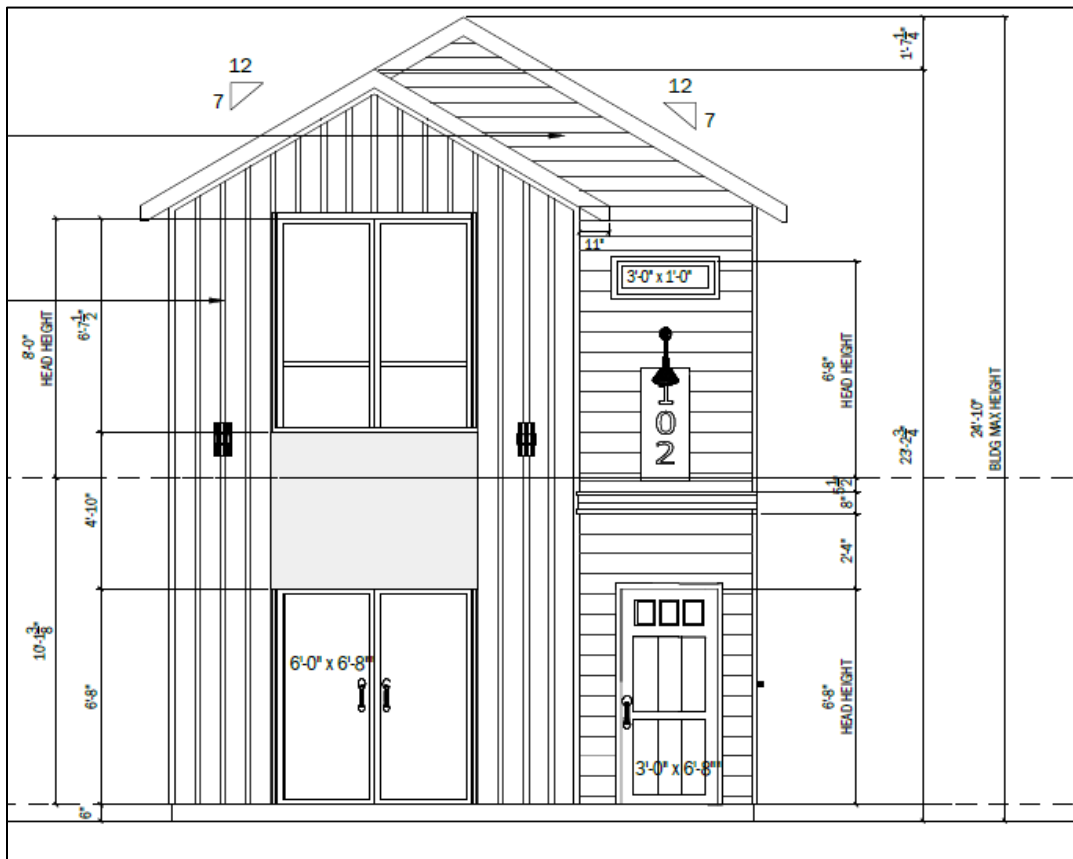


Figure 14 – Conceptual North Elevation



Figure 15 – Conceptual West Elevation

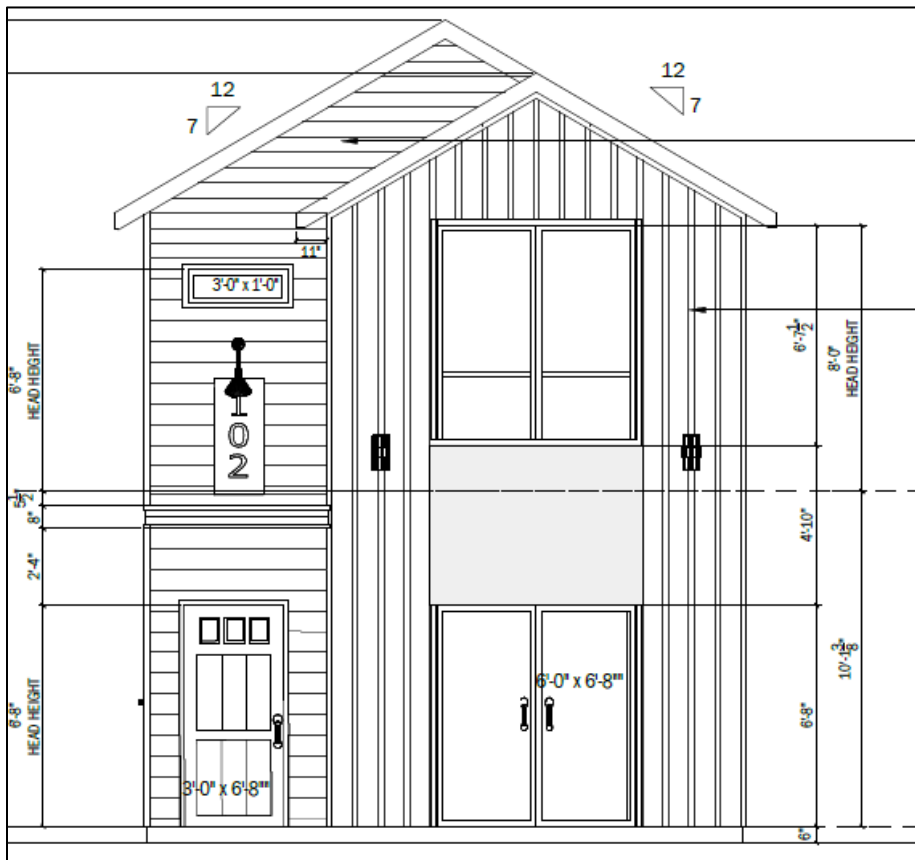


Figure 16 – Conceptual South Elevation

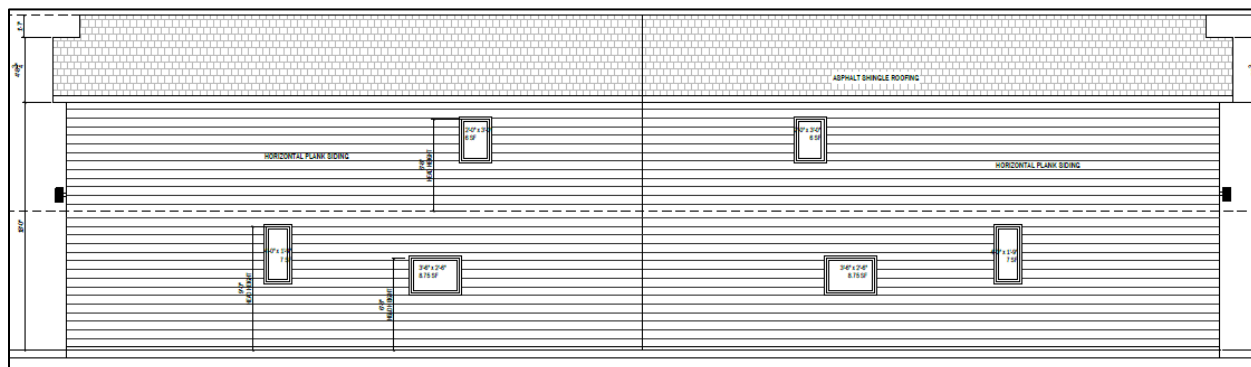


Figure 17 – Conceptual East Elevation

Attachment H – Draft Development Variance Permit (DVP)



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2018-8313

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
Legal: Lot 24 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932
Civic: 337 Hastings Avenue
PID: 003-408-663
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a duplex development:
 - a. Section 10.6.3.2: to allow vehicle access to be from both the lane and the street (Hastings Avenue).

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ____ day of _____, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

DRAFT

Bylaw No. 2018-64

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2018-64".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone that part of Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, located at 337 Hastings Avenue, as shown on Schedule 'A', from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

2.2 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone that part of Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, located at 337 Hastings Avenue, as shown on Schedule 'A', from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) and by adding the following site specific provisions to section 10.8.4:

.3 "In the case of Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 932, located at 337 Hastings Avenue, the following regulations shall apply:

- Minimum lot width of 14.6m;
- Maximum Density, Floor Area Ratio (FAR) of 0.90;
- Maximum Lot Coverage of 48%;
- Maximum Building Height of 7.0m;
- Minimum Interior Side Yard of 1.6m; and
- Waive the requirement for one (1) visitor parking space.

2.3 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	4	day of	September, 2018
A PUBLIC HEARING was held this	18	day of	September, 2018
READ A SECOND time this		day of	, 2018
READ A THIRD time this		day of	, 2018
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2018
ADOPTED this		day of	, 2018

Notice of intention to proceed with this bylaw was published on the 7 day of September, 2018 and the 12 day of September, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2018

for Minister of Transportation & Infrastructure

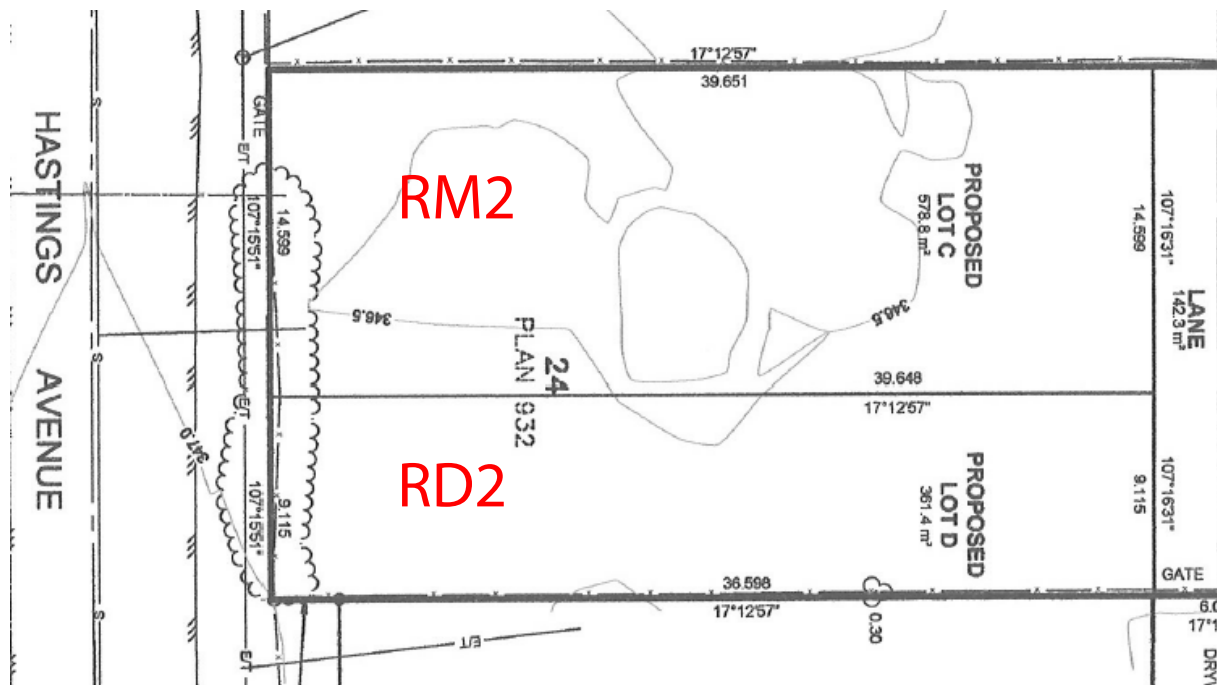
Dana Schmidt, Corporate Officer

337 Hastings Avenue

Rezone a portion of the lot from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) and add the following site specific provisions to the RM2 zone:

- Minimum lot width of 14.6m;
- Floor Area Ratio (FAR) of 0.90;
- Maximum Lot Coverage of 48%;
- Maximum Building Height of 7.0m;
- Minimum Interior Side Yard of 1.6m; and
- Waive the requirement for one (1) visitor parking space, and

Rezone a portion of the lot from R2 (Small Lot Residential) to RD2 (Duplex: Housing Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-64

Date: _____

Corporate Officer: _____

- 26 -

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, September 4, 2018
at 1:00 p.m.

Resolutions

- 14.3 Zoning Amendment Bylaw No. 2018-65
Development Variance Permit PL2018-8211
Re: 290 Bassett Street

403/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-65", a bylaw to rezone Lot 9, Block 125 District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1175, Except Plan B4668, located at 290 Bassett Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the September 18, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-65", a 3.0m x 3.0m corner cut for lane dedication at the south east corner of the property be registered with the Land Title Office;

THAT delegations and submissions for "Development Variance Permit PL2018-8211" for Lot 9, Block 125 District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1175, Except Plan B4668, located at 290 Bassett Street, a permit to waive the requirement to provide one (1) visitor parking space, be heard at the September 18, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8211" following the adoption of "Zoning Amendment Bylaw No. 2018-65".

THAT Council, in accordance with Section 507 of the *Local Government Act*, require the full construction of the lane along the south and east sides of the property tying the works into Bassett Street, representing an excess and extended service.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: September 4, 2018
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 290 Bassett Street
Subject: **Zoning Amendment Bylaw No. 2018-65**
Development Variance Permit PL2018-8211

File No: PRJ2018-076

Staff Recommendation

Zoning Amendment Bylaw

THAT "Zoning Amendment Bylaw No. 2018-65", a bylaw to rezone Lot 9, Block 125 District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1175, Except Plan B4668, located at 290 Bassett Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the September 18, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-65", a 3.0m x 3.0m corner cut for lane dedication at the south east corner of the property be registered with the Land Title Office;

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2018-8211" for Lot 9, Block 125 District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1175, Except Plan B4668, located at 290 Bassett Street, a permit to waive the requirement to provide one (1) visitor parking space, be heard at the September 18, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8211" following the adoption of "Zoning Amendment Bylaw No. 2018-65".

Excess and Extended Service

THAT Council, in accordance with Section 507 of the *Local Government Act*, require the full construction of the lane along the south and east sides of the property tying the works into Bassett Street, representing an excess and extended service.

Strategic Objective

The subject application demonstrates that it is aligned with the Council Priorities of Community Building and Economic Vitality. The application represents smart growth by increasing density in areas where existing services are in place, and in areas close to transit, commercial and employment centers.

Background

The subject property (Attachment 'A') is currently zoned R2 (Small Lot Residential), and is designated for multi-family low density (MFLD) by the City's Official Community Plan. The site currently has a single family

house which was constructed in approximately 1900. Photos of the site are included as Attachment 'D'. A demolition permit was issued in June 2018 to remove the existing house in preparation for the proposed development.

The intention of the applicant is to demolish the existing single family dwelling and construct a five-unit townhouse. The proposed townhouse units will have a mix of two and three bedroom units and are approximately 1,000 sq. ft. units. The proposed building features a mix of building materials and large landscaping buffer areas along the north and west property lines.

The surrounding neighbourhood has a mix of housing types and residential zones including single family dwellings, duplexes, townhouses and small scale apartment buildings (Attachment 'B'). There is a mix of zoning currently in place to accommodate this mix of housing. This neighbourhood is desirable being close to an elementary school, the downtown core, Okanagan Lake, the Community Centre, the South Okanagan Events Centre, and is located on a local residential street, with sidewalks on both sides of the street.

Proposal

The applicant is proposing that the subject property be rezoned from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), to facilitate the development of a five-unit townhouse. The applicant is proposing to demolish the existing single family dwelling prior to beginning construction.

Secondly, the applicant is requesting a variance to waive the requirement to provide one (1) visitor parking space.

The applicant will be required to attain a Development Permit for the proposed development, as the property is located within the Downtown Multiple Family Development Permit Area. This will be issued by staff at a later date, should Council support the rezoning application.

Technical Review

This application was reviewed by the City's Technical Planning Committee. No significant issues arose in the process. Typical frontage upgrades and servicing requirements have been identified for the Building Permit stage of the project, if rezoning and variance permit applications are supported by Council. The proposed building is required to conform to the BC Building Code. These items have been communicated to the applicant.

Financial Implication

The application does not pose any significant financial implications to the City. Development costs are the responsibility of the developer. The developer will be paying for the upgrade of a City lane that is deemed to be in poor condition at their cost.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

	Requirement RM2 Zone	Provided on Plans
Maximum Lot Coverage:	40%	37%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.75 Floor Area Ratio (FAR)
Vehicle Parking:	6 (1 per unit, plus 0.25/unit for visitor parking)	5
Required Setbacks Front Yard (Bassett St): Side Yard (north): Side Yard (south): Rear Yard (east):	3.0 m 3.0 m 3.0 m 6.0 m	3.0 m 3.0 m 3.0 m 7.17 m
Maximum Building Height	12 m	9.27 m
Other Information:	<ul style="list-style-type: none"> The Development Permit will be issued by Staff 	

Analysis

Support Zoning Amendment Bylaw

The OCP designation for the subject property is MFLD (Multiple Family Low Density), which supports townhouse developments. Staff consider that the zoning amendment to allow for the proposed development represents best use of the land for the following reasons:

- The proposal is consistent with OCP policy that promotes infill residential development as an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities.
- The subject property is within walking distance to the downtown, nearby schools, community center, South Okanagan Events Centre, Okanagan Lake beach and transit routes.
 - The close proximity to these services encourages more walking and other active forms of transportation
- The proposal would provide a mix of 2- and 3-bedroom townhouse units, which can serve a wide spectrum of potential home owners/occupants

The plans submitted are conceptual in nature and an application for a development permit will be required prior to any approval for construction on the lands. The development permit drawings will have more details on the elevations, to include: building types, materials, colours. The development permit will also require a detailed landscaping plan from the applicant, which will review the landscaping on the property. The applicant has indicated that they will be developing the property should the rezoning and development variance permit be granted by Council. After which, the applicant will provide detailed drawings for the Development Permit, to be issued by Staff. The plans submitted show general conformance to Zoning Bylaw 2017-08.

Staff considers that the location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. Given the above, there is adequate policy to support the proposal to rezone from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) and support is recommended for First Reading of "Zoning Amendment Bylaw No. 2018-65".

Deny Zoning Amendment Bylaw

Council may consider that the proposed development is not appropriate for the subject property. If this is the case, Council should deny First Reading of Zoning Amendment Bylaw No. 2018-65".

Development Variance Permit

Approve Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variance is to waive the requirement to provide one visitor parking stall.

- The Zoning Bylaw requires one parking space per unit, plus 0.25 per unit for visitor parking. The proposed site plan only provides five parking spaces, which will meet the requirement for one parking space per unit, but does not provide the additional space for visitor parking. Therefore, a variance has been requested.
- The applicant has provided a design that includes a significant amount of landscaping and green space, which can be utilized and enjoyed by the occupant(s) of the units. Attempting to provide more parking on the site would take away from the proposed design and landscaping being proposed.
- Allowing larger greenspaces can be associated with the following benefits:
 - Regulating temperatures (dark heat-absorbing materials such as concrete and brick can increase city temperatures)
 - Manage water resources as green infrastructure can capture stormwater runoff, filter out pollutants and recharge groundwater supplies.
- There is parking located on the street in front of the property. The width of the subject property is 17m, which could provide up to 3 off-street parking spaces for visitors.
- Through the provision of parking adjacent to the laneway, there will be no loss of existing on-street public parking spaces.
- Due to the ideal location of the property in relation to services and amenities, the property will promote walking and more active methods of transportation.

Given the above, staff find the variance request reasonable and recommend that Council support the application.

Deny Development Variance Permit

Council may consider that the proposed variance will negatively affect the neighbourhood, in particular the adjacent neighbours. Council may decide that the applicant should adjust the site plan to provide an additional parking space for visitor parking. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-65" and deny support for DVP PL2018-8211.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-65", but deny support for DVP PL2018-8211.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-65", and give support for DVP PL2018-8211 with conditions that Council feels are appropriate.


Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map of Subject Property
- Attachment C: Official Community Plan Map of Subject Property
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Conceptual Site Plan
- Attachment G: Conceptual Elevations
- Attachment H: Draft Development Variance Permit (DVP)
- Attachment I: Zoning Amendment Bylaw No. 2018-65

Respectfully submitted

Nicole Capewell
Planner 1

Approvals

Director Development Services 	Chief Administrative Officer PW
--	---

Attachment A – Subject Property Location Map

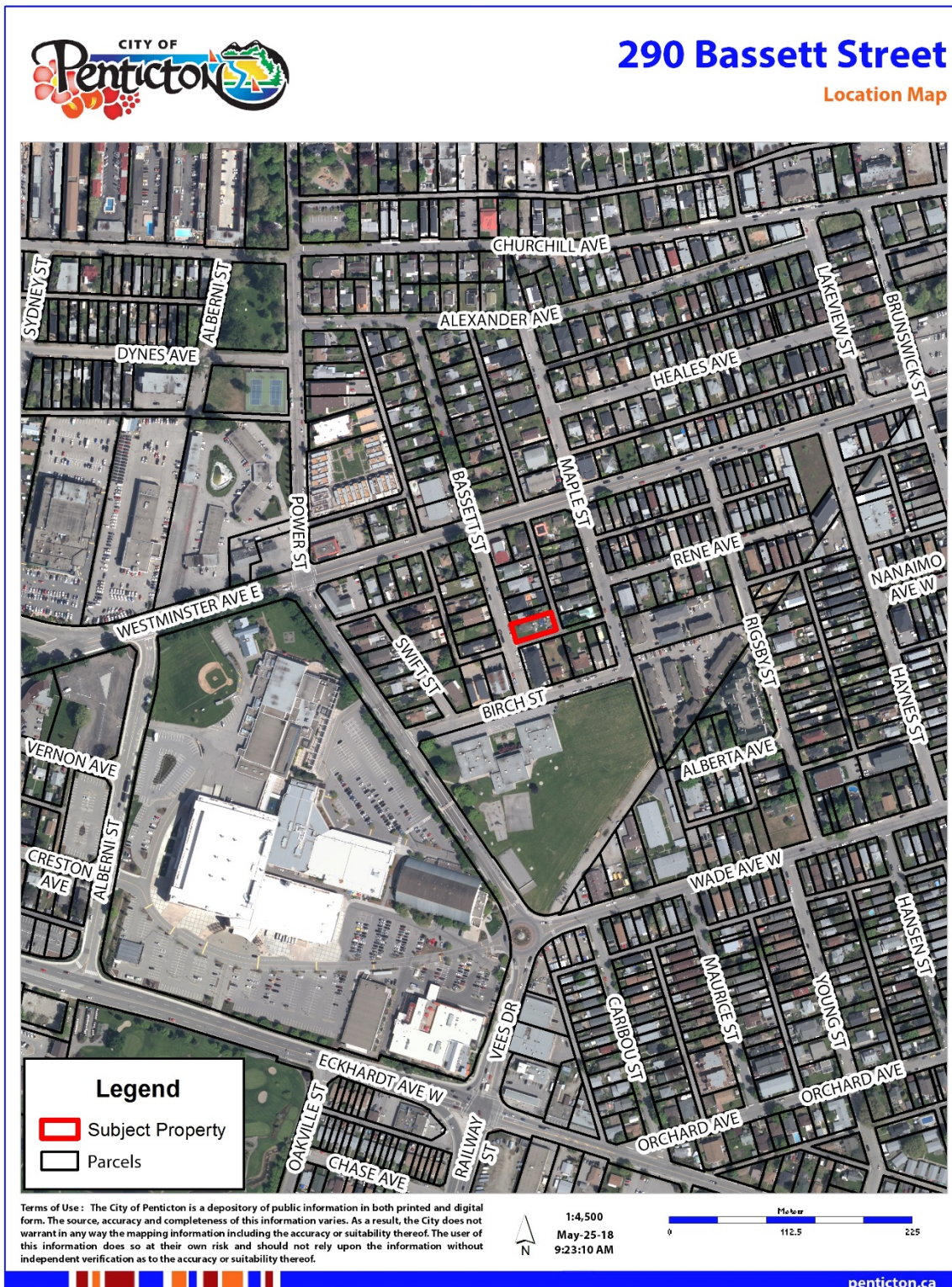


Figure 1 – Subject Properties Highlighted in Red

Attachment B – Zoning Map of Subject Property

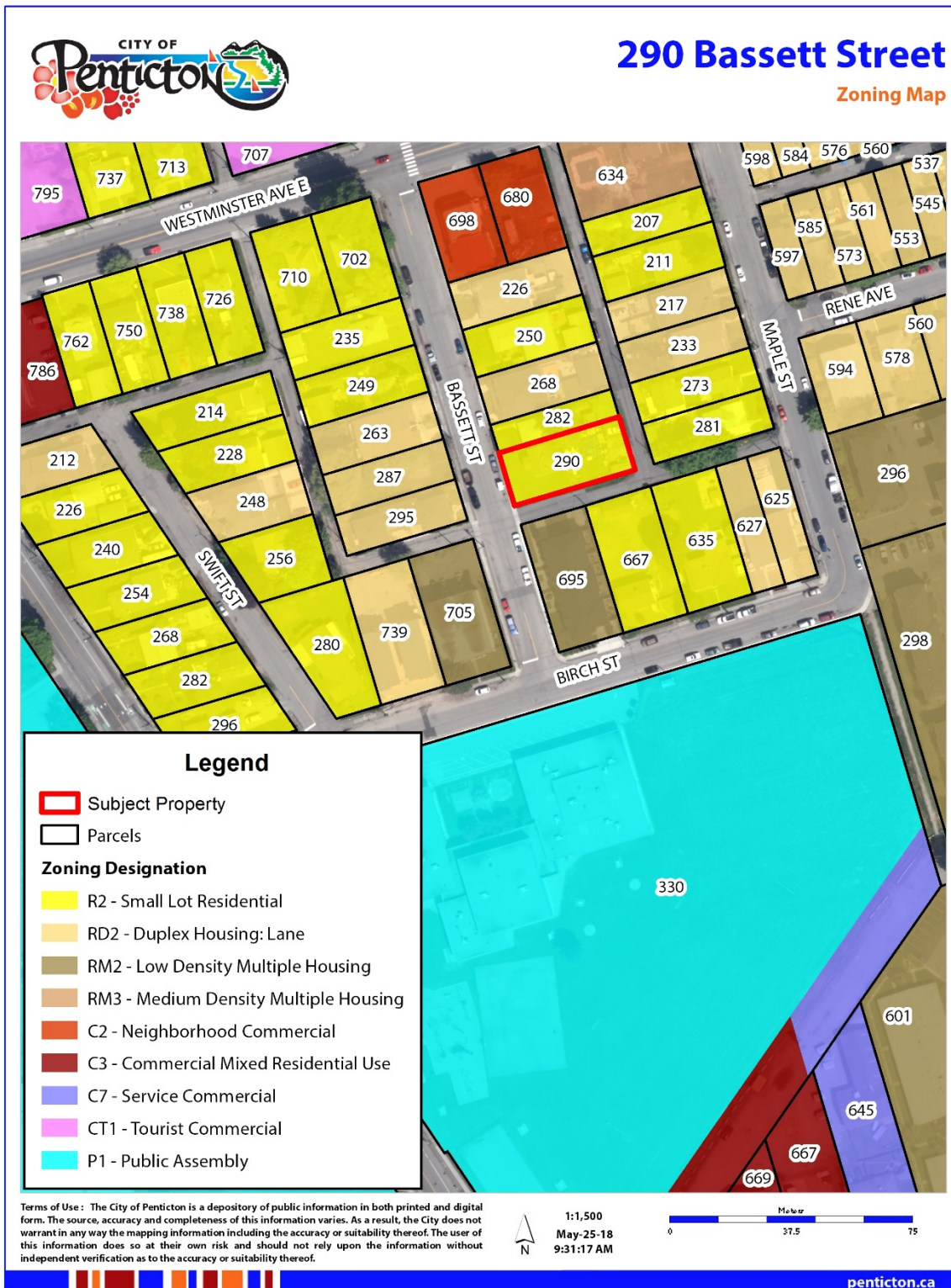


Figure 2 – Subject Properties Currently Zoned R2 (Small Lot Residential)

Attachment C – Official Community Plan Map of Subject Property

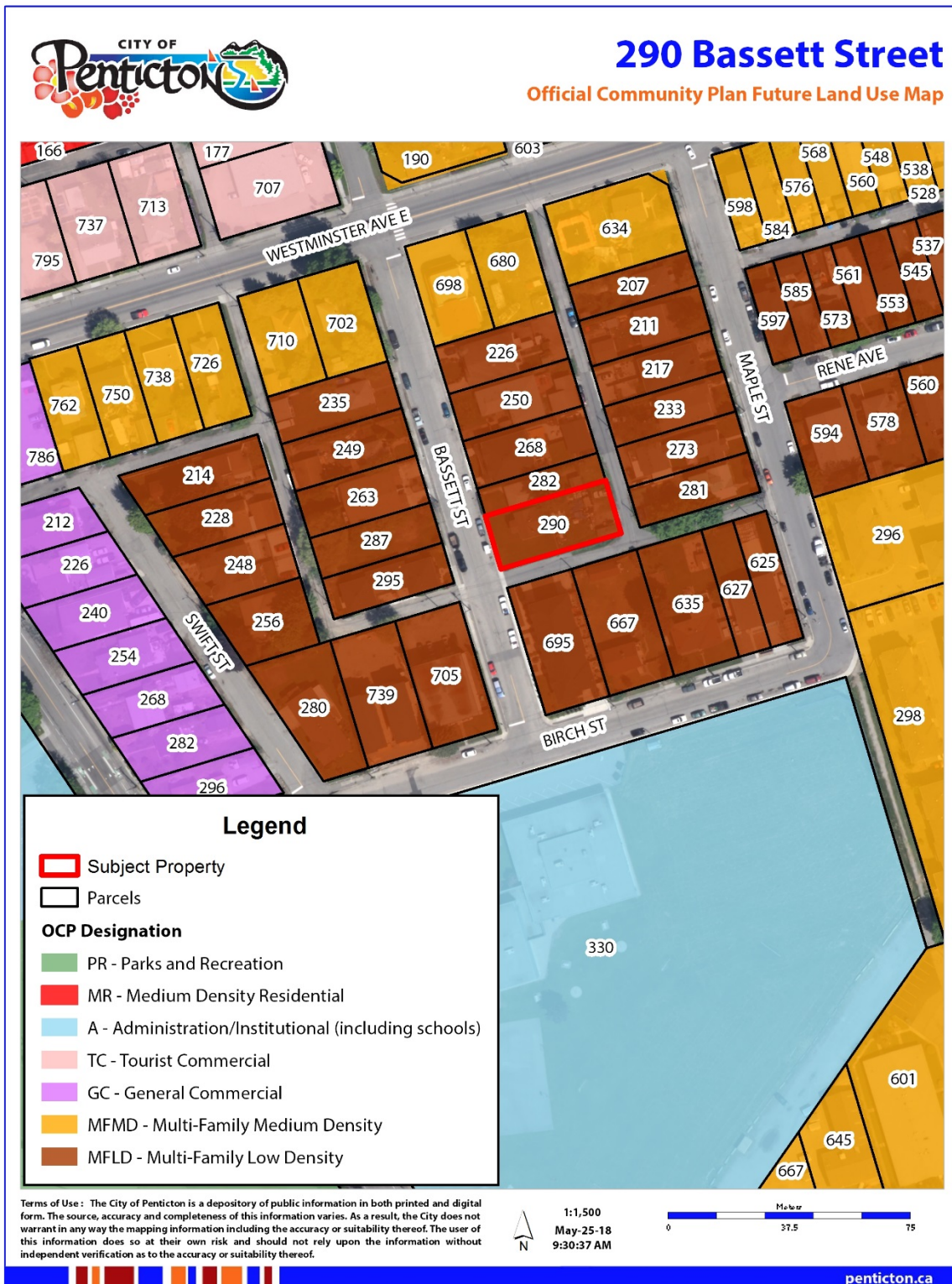


Figure 3 – Subject Properties Currently Designated as MFLD (Multi Family Low Density) within Official Community Plan

Attachment D – Images of Subject Property



Figure 4 – Looking toward front of 290 Bassett St from the south west corner of property



Figure 5 – Looking toward lane along south property line of 290 Bassett Street



Figure 6 – Looking toward 290 Bassett St from south property line (from lane)

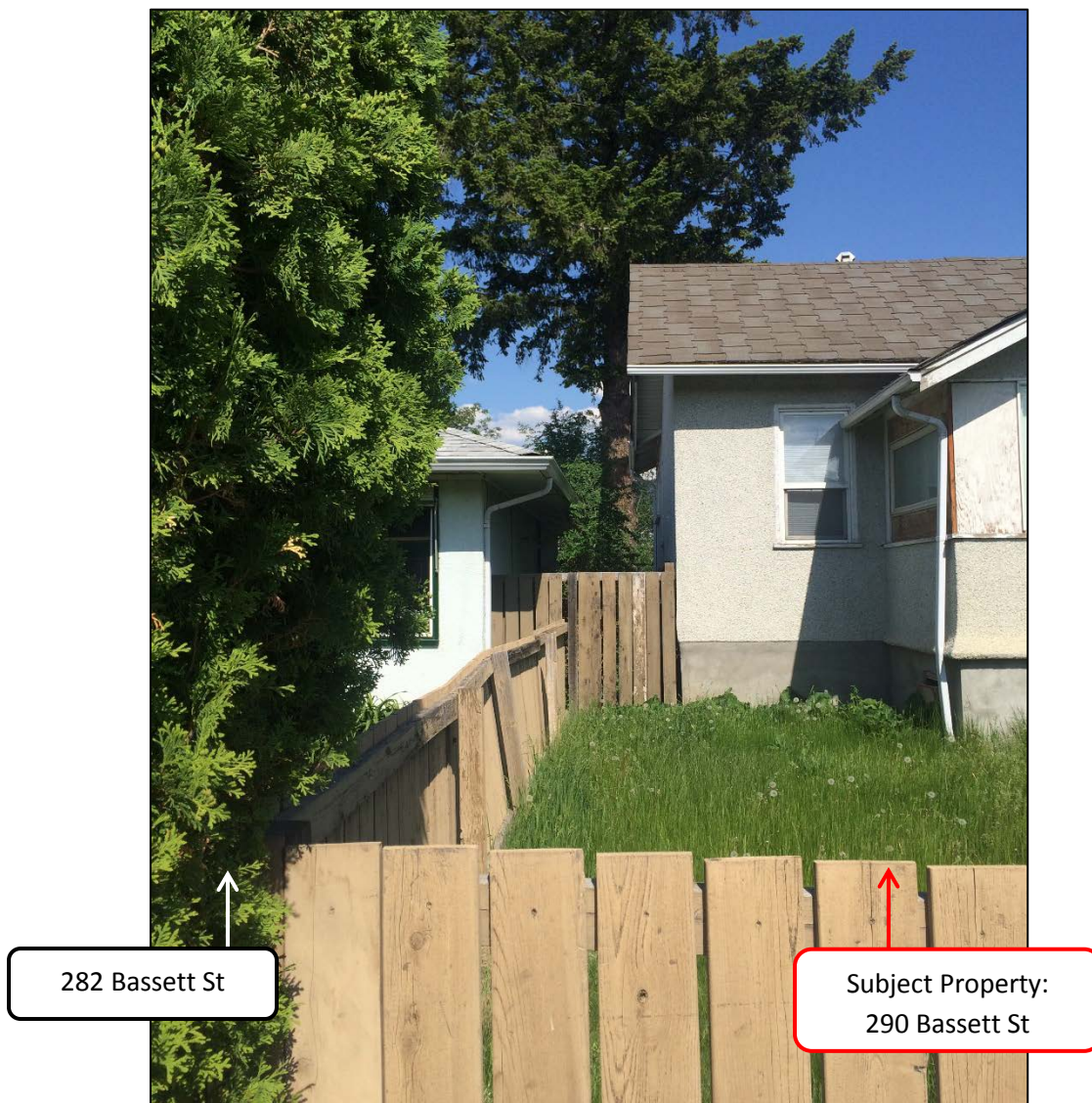


Figure 7 – Looking down the northern property line of 290 Bassett St from Bassett Street



Figure 8 – Looking at 290 Bassett St from Bassett Street

Attachment E – Letter of Intent

290 Bassett St.

Rezoning and development variance permit.

August 10, 2018

Blake Laven, Planning Manager
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Blake Laven,

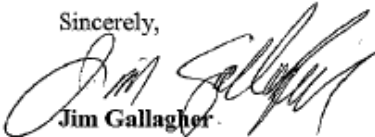
We are proposing to construct a five-unit townhouse development at 290 Bassett St. The proposed project will require a rezoning to allow for townhouses and variances to visitor parking requirements.

Our intent is to build 3x three-bedroom units and 2x two-bedroom units. The goal of the project is to provide affordable infill housing units for potentially young families or first time home-buyers. We believe this lot is an ideal location to attract the young buyer, due to the close proximity to schooling and downtown. Similarly, our project would fall under the lot designation in the Official Community Plan, which is *MFLD- Multi-Family Low Density*.

Under the zoning bylaw, the lot is currently designated as R2- Small Lots Residential, which we propose to rezone to *RM2- Low Density Multiple Housing* to allow for townhouses. We would also like to remove the requirement for visitor parking which is a total of one parking space. We are able to provide five parking spots, which meets the requirement of one parking spot per unit. With that said, we've managed to give each unit a private ground-level patio space, totaling 12m² for the two-bedroom units, and 16m² for the three-bedroom units. The development is also able to provide significant landscape buffers between the street, residential property to the north and lane to the south.

In conclusion, please accept the enclosed application package for 290 Bassett St. We would greatly appreciate your consideration in granting the request to rezone to RM2 and development variances for visitor parking.

Sincerely,



Jim Gallagher

Figure 9 – Letter of Intent

Attachment F – Conceptual Site Plan

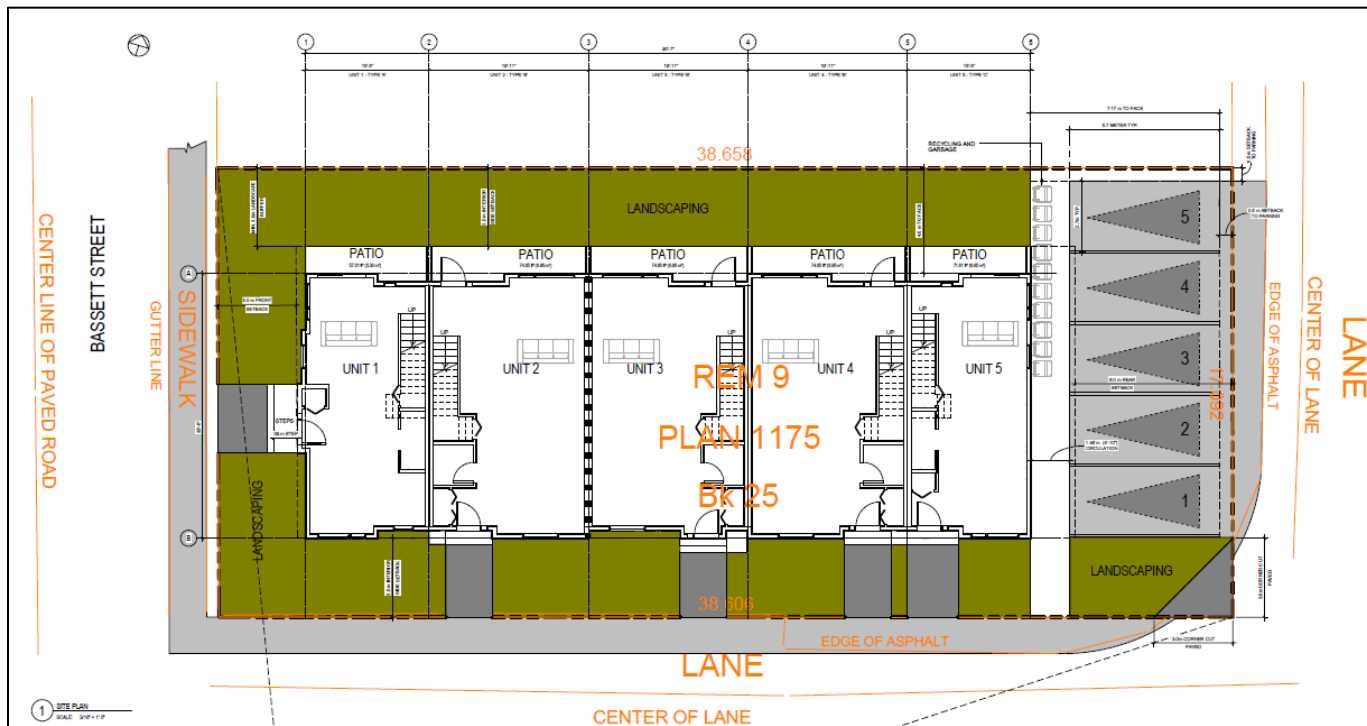


Figure 10 – Conceptual Site Plan

Attachment G – Conceptual Elevations



Figure 11 – Conceptual East Elevation



Figure 12 – Conceptual North Elevation



Figure 13 – Conceptual West Elevation



Figure 14 – Conceptual South Elevation

Attachment H – Draft Development Variance Permit (DVP)



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2018-8211

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
Legal: Lot 9, Block 125 District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton)
District Plan 1175, Except Plan B4668
Civic: 290 Bassett Street
PID: 002-279-100
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a five-unit townhouse
 - a. Section 6.5 (Table 6.5): to waive the requirement for one (1) visitor parking space.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ____ day of ____ 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

DRAFT

Bylaw No. 2018-65

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2018-65".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 9, Block 125 District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1175, Except Plan B4668, located at 290 Bassett Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	4	day of	September, 2018
A PUBLIC HEARING was held this	18	day of	September, 2018
READ A SECOND time this		day of	, 2018
READ A THIRD time this		day of	, 2018
RECEIVED the approval of the		day of	, 2018
Ministry of Transportation on the			
ADOPTED this		day of	, 2018

Notice of intention to proceed with this bylaw was published on the 7 day of September, 2018 and the 12 day of September, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2018</p> <p>_____</p> <p>for Minister of Transportation & Infrastructure</p>
--

Dana Schmidt, Corporate Officer

Rezone 290 Bassett St.
from R2 (Small Lot
Residential) to RM2 (Low
Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-65

Date: _____

Corporate Officer: _____